

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DALLAS JAMES WALKER,

Defendant.

CR 08-111-GF-BMM

ORDER

This case was referred to United States Magistrate Judge John Johnston for a revocation hearing and findings and recommendations. Judge Johnston entered his findings and recommendations on March 6, 2018. Defendant admitted that he had violated the conditions of his supervised release: 1) by using a controlled substance; 2) by failing to report for substance abuse testing; and 3) by consuming alcohol. Judge Johnston found the admissions sufficient to establish the supervised release violations. Judge Johnston recommended that this Court revoke Defendant's supervised release and commit him to the custody of the United States Bureau of Prisons for a term of four months, with 19 months of supervised release to follow.

Defendant waived his right to object to Judge Johnston's findings and recommendations. (Doc. 71). Judge Johnston's findings and

recommendations are therefore reviewed for clear error. *McDonnell Douglas Corp. Commodore Bus. Mach, Inc.*, 656 F.2d 1309, 1319 (9th Cir. 1981).

This Court agrees with Judge Johnston's findings and recommendations. Defendant admitted that he had violated the conditions of his supervised release. Defendant could be incarcerated for up to 24 months, followed by 23 months of supervised release less any custody time imposed. The United States Sentencing Guidelines call for a term of imprisonment of three to nine months. A custodial sentence of four months, followed by 19 months of supervised release is appropriate. The sentence is sufficient but not greater than necessary.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 70) are ADOPTED in full and Judgment shall be entered accordingly.

DATED this 14th day of March, 2018.



Brian Morris
United States District Court Judge